



#### BOARD OF COMMISSIONERS

Greg Dunn, Chairman  
Linda Wells, Vice Chair  
Peter Pfeifer  
Herb Frady  
A.G. VanLandingham

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#### STAFF

Chris Cofty, County Administrator  
Carol Chandler, Executive Asst.  
William R. McNally, Attorney  
Karen Morley, Deputy Clerk  
Linda Rizzotto, Deputy Clerk

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#### MEETING LOCATION

Administrative Complex  
Commission Meeting Room  
140 Stonewall Avenue  
Fayetteville, GA

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#### MEETING TIMES

1<sup>st</sup> Wednesday each month at  
3:30 p.m.  
2<sup>nd</sup> and 4<sup>th</sup> Thursday each month  
at 7:00 p.m.

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#### COMMISSION OFFICE

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# The Agenda of Actions

## BOARD OF COMMISSIONERS

JULY 26, 2001

7:00 P.M.

Chairman Dunn called the meeting to order, offered an invocation and led the pledge to the Flag.

### **PUBLIC HEARING:**

- A. Consideration of Petition No. 1073-01, Charles L. Pailer, III, and Attorney Douglas Dillard, Agent, request to rezone 5.00 acres from A-R to C-H to develop a Small Commercial Development. This property is located in Land Lot 18 of the 6<sup>th</sup> District and fronts on Redwine Road and S.R. 74 South. *The Planning Commission recommended denial to C-H, but recommended approval to O-I subject to the recommended conditions (4-0). Staff recommended denial to C-H, but recommended approval to O-I with conditions. Tabled from the April 26, 2001 meeting.*

***ON MOTION MADE BY VICE CHAIR WELLS TO DENY PETITION NO. 1073-01 FOR REZONING TO C-C AND APPROVE O-I WITH CONDITIONS ONE (1) AND TWO (2), SECONDED BY COMMISSIONER VANLANDINGHAM. THE MOTION CARRIED 5-0.***

- B. Consideration of Petition No. 1074-01, Clayton O. Carmack, Owner, Mukut Gupta, Agent, request to rezone 40.55 acres from A-R to R-72 to develop a single-family residential subdivision consisting of 18 lots. This property is located in Land Lot 4 and Land Lot 29 of the 5<sup>th</sup> District and fronts on Old Senoia Road. *The Planning Commission recommended approval subject to the recommended conditions (5-0). Staff recommended denial. Tabled from the April 26, 2001 meeting.*

***ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY VICE CHAIR WELLS TO DENY PETITION 1074-01. THE MOTION WAS 4-0-1 WITH COMMISSIONER FRADY ABSTAINING.***

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- C. Consideration of Petition No. 1082-01, Fayette Youth Protection Home, Inc., Owners, and Aston Peart, Agent, request to rezone 5.11 acres from C-C Conditional to C-C Conditional to revise a condition of approval to include a proposed Day Care use. This property is located in Land Lot 250 of the 5<sup>th</sup> District and fronts on S.R. 279 and Twiggs Way. *The Planning Commission recommended approval with (1) one condition (3-0). Staff recommended approval with one (1) condition.*

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY CHAIRMAN DUNN TO APPROVE PETITION 1082-01 WITH ONE (1) CONDITION. THE MOTION WAS 2-3. CHAIRMAN DUNN AND COMMISSIONER FRADY VOTED FOR APPROVAL AND VICE CHAIR WELLS AND COMMISSIONERS PFEIFER, AND VANLANDINGHAM OPPOSED THE MOTION.**

- D. Consideration of Petition No. 1083-01, Sarah Banister, Owner, and Billy Brundage, Agent, request to rezone 42.32 acres from A-R to R-75 to develop a single-family residential subdivision. This property is located in Land Lot 254 of the 5<sup>th</sup> District and fronts on New Hope Road. *The Planning Commission recommended approval with condition #3, only (3-0). Staff recommended approval with conditions.*

**ON MOTION MADE BY VICE CHAIR WELLS, SECONDED BY COMMISSIONER PFEIFER TO DENY PETITION 1083-01. THE MOTION CARRIED 5-0.**

- E. Consideration of proposed amendments to the Fayette County Development Regulations regarding Article III. Street Design Standards and Specifications by the Engineering Department. *The Planning Commission recommended approval (3-0).*

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY COMMISSIONER VANLANDINGHAM TO APPROVE THE AMENDMENTS AS PRESENTED TO THE DEVELOPMENT REGULATIONS REGARDING ARTICLE III. STREET DESIGN STANDARDS AND SPECIFICATIONS. THE MOTION CARRIED 5-0.**

- F. Consideration of proposed amendments to the Fayette County Development Regulations regarding Article VIII. Off-Street Parking and Service Requirements by the Engineering Department. *The Planning Commission recommended approval (3-0).*

**ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY CHAIRMAN WELLS TO APPROVE THE AMENDMENTS TO THE DEVELOPMENT REGULATIONS REGARDING ARTICLE VIII. OFF-STREET PARKING AND SERVICE REQUIREMENTS. THE MOTION CARRIED 5-0.**

## **OLD BUSINESS:**

- G. Mr. John Delash would like for the Board of Commissioners to abandon the old right-of-way on

Sandy Creek Road so that he can use it for a driveway.

***ON MOTION MADE BY COMMISSIONER VANLANDINGHAM , SECONDED BY VICE CHAIR WELLS TO RETAIN POSSESSION OF THE OLD RIGHT-OF-WAY ON SANDY CREEK ROAD FOR FUTURE COUNTY USE. THE MOTION CARRIED 5-0.***

H. Consideration of proposed Mission Statement for Fayette County.

***ON MOTION MADE BY VICE CHAIR WELLS, SECONDED BY COMMISSIONER PFEIFER TO APPROVE THE MISSION STATEMENT FOR FAYETTE COUNTY AS PRESENTED. THE MOTION CARRIED 5-0.***

**CONSENT AGENDA: *ON MOTION MADE BY VICE CHAIR WELLS, SECONDED BY CHAIRMAN DUNN TO APPROVE THE CONSENT AGENDA AS PRESENTED. THE MOTION CARRIED 5-0.***

**MAIN STREET FALL FESTIVAL:** Approval of request from Main Street Fayetteville to place a sign on the Old Courthouse lawn from September 23<sup>rd</sup> through October 7<sup>th</sup> advertising the October Fall Festival to be held on October 6<sup>th</sup> and 7<sup>th</sup>, 2001.

**SHERIFF'S DEPARTMENT TO TRANSFER \$18,586:** Approval of request from the Sheriff's Department to transfer \$18,586 from the General Fund into the Sheriff's Department Budget Account #130-5435 for repairs to their building due to a delivery truck causing damage.

**WATER SYSTEM:** Approval of request from Assistant Water System Director Russell Ray to transfer funds from the Water System's fiscal year 2000-2001 to fiscal year 2001-2002 for (a) two mowers (\$9,500) for cutting grass at the Water Plants; (b) three F-150 pickups (\$54,000); and (c) \$5,000 for painting the inside of the office.

**PEACHTREE CITY'S REQUEST FOR ELECTIONS TO HOLD THEIR NOVEMBER 2001 ELECTIONS:** Approval of the request from Peachtree City to have the Fayette County Board of Elections conduct the municipal election that will be held in November 2001.

**FRIENDS OF THE LIBRARY REQUEST FOR SIGNS:** Approval of the request from Friends of the Fayette County Public Library to place two signs, one at the northwest entrance to Heritage Way and one at the southeast entrance to Heritage Way.

**BID AWARD TO MID STATE TRAFFIC FOR ROAD STRIPING:** Approval to award the bid for road striping to the low bidder, Mid State Traffic in the amount of \$19,640.20.

**SHERIFF'S DEPARTMENT:** Approve request from the Sheriff's Department to transfer funds from the General Budget Fund to the Sheriff's Department budget category #130-5433 for vehicle repair services

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in the amount of \$187.86.

**SHERIFF'S DEPARTMENT**: Approve request from the Sheriff's Department to transfer funds from the General Budget Fund to the Sheriff's Department budget category #130-5433 for vehicle repair services in the amount of \$2,688.68.

**SHERIFF'S DEPARTMENT**: Approve request from the Sheriff's Department to transfer funds from the General Budget Fund to the Sheriff's Department budget category #130-5433 for vehicle repair services in the amount of \$668.60.

**SHERIFF'S DEPARTMENT**: Approve request from the Sheriff's Department to transfer funds from the General Budget Fund to the Sheriff's Department budget category #130-5433 for vehicle repair services in the amount of \$4,490.79.

**MINUTES APPROVED**: Approval of minutes for Board of Commissioners Budget Workshop meetings held on June 12, 2001, and June 28, 2001 and regularly scheduled Board of Commissioners' meeting held on June 28, 2001.

**PUBLIC COMMENT:**

Members of the public are allowed up to three minutes each to address the Board on issues of concern other than those items which are on this evening's agenda.

***THERE WERE NO PUBLIC COMMENTS.***

**STAFF REPORTS:**

Attorney McNally asked for Executive Session to discuss five items of potential litigation.

Commissioner VanLandingham asked for Executive Session to discuss a personnel matter.

**APPOINTMENT TO THE PLANNING COMMISSION**: Chairman Dunn announced that Fred Bowen had resigned his position on the Planning and Zoning Board. He thanked Mr. Bowen for the great job he did while he was on this board. He said Mr. Bowen's position on the board was Post 5, and our policy is that the Commissioner who was from Post 5 gets to nominate a replacement for him. Chairman Dunn holding Post 5, nominated Doug Powell.

***ON MOTION MADE BY CHAIRMAN DUNN, SECONDED BY COMMISSIONER FRADY TO APPOINT DOUG POWELL TO THE PLANNING COMMISSION EFFECTIVE IMMEDIATELY AND EXPIRING DECEMBER 31, 2002. THE MOTION CARRIED 5-0.***

**RESOLUTION #'S 2001-10 AND 2001-11 CONCERNING WILLIAMS POWER PLANT**: Chairman Dunn stated that he and Commissioners Pfeifer and VanLandingham were at a meeting of the

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Association of Fayette County Governments the other evening and the topic which consumed the evening was the potential rezoning by Fulton County of a piece of property on our border which would allow the placement of a huge 1230 mega watt power plant with four 210' stacks. He said we have been unable to secure much information but there has been a lot of concern expressed by all cities in Fayette County. He commented we are downwind of this facility should it go in there. He expressed that our communities would be affected by any pollution that would be spewed out by the plant, only the people in Fulton County near it would be affected but every citizen in Fayette County would. He said for lack of information it was decided by all of us that attended that meeting on behalf of our governments, to request that the Fulton County Commission and Union City to petition through resolution, the governments of both of those entities and request that prior to taking any further zoning actions on those properties, that they get an Environmental Impact Statement done that would stand muster by the EPA. He read the proposed resolution and asked the board to approve it.

**ON MOTION MADE BY VICE CHAIR WELLS, SECONDED BY COMMISSIONER FRADY TO ADOPT RESOLUTION NO. 2001-10 AND 2001-11. THE MOTION CARRIED 5-0.**

**EXECUTIVE SESSION: ON MOTION MADE BY VICE CHAIR WELLS TO ADJOURN TO EXECUTIVE SESSION TO DISCUSS FIVE ITEMS OF POTENTIAL THREATENED LITIGATION AND ONE PERSONNEL ITEM. THE MOTION CARRIED 5-0.**

### **THREATENED POTENTIAL LITIGATION:**

The County Attorney briefed the Board on a matter of potential litigation.

**ON MOTION MADE BY COMMISSIONER FRADY, SECONDED BY VICE CHAIR WELLS TO PROCEED WITH THIS MATTER. THE MOTION CARRIED 5-0.**

### **THREATENED POTENTIAL LITIGATION:**

The County Attorney briefed the Board on a matter of potential litigation.

**THE BOARD AUTHORIZED THE COUNTY ATTORNEY TO PROCEED IN THIS MATTER.**

### **THREATENED POTENTIAL LITIGATION:**

The County Attorney briefed the Board on a matter of potential litigation.

**ON MOTION MADE BY COMMISSIONER VANLANDINGHAM, SECONDED BY COMMISSIONER FRADY TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED WITH NEGOTIATIONS. THE MOTION CARRIED 5-0.**

### **THREATENED POTENTIAL LITIGATION:**

The County Attorney briefed the Board on a matter of potential litigation.

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**THE BOARD TOOK THE MATTER UNDER ADVISEMENT AND THERE WAS NO ACTION TAKEN.**

**POTENTIAL LITIGATION:**

The County Attorney briefed the Board on a matter of potential litigation.

**ON MOTION MADE BY VICE CHAIR WELLS, SECONDED BY COMMISSIONER FRADY TO AUTHORIZE THE COUNTY ATTORNEY TO PROCEED WITH THE MATTER. THE MOTION CARRIED 5-0.**

**PERSONNEL:**

Due to the midnight hour the Commissioners decided to table the personnel discussion until a later date.

**EXECUTIVE SESSION AFFIDAVIT:**

**ON MOTION MADE BY VICE CHAIR WELLS, SECONDED BY COMMISSIONER FRADY TO AUTHORIZE CHAIRMAN DUNN TO EXECUTE THE AFFIDAVIT AFFIRMING DISCUSSION OF FIVE (5) POTENTIAL LITIGATION ITEMS IN EXECUTIVE SESSION. THE MOTION CARRIED 5-0.**

There being no further business to come before the Board, Chairman Dunn adjourned the meeting at 12:00 a.m.

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Linda Rizzotto, Chief Deputy Clerk